THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 9682 of 1997

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DATED: 28.03.2006

Between:

L. Satyanarayana Setty

... PETITIONER

AND

Commissioner, Municipal Counsel,

Kukatpally,

Hyderabad.

... RESPONDENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 9682 of 1997

ORDER:-

The petitioner seeks a writ of 'Certiorari' calling for the records on the file of the respondent in UC.No.TP/I/No/90/96-97, dated 20.02.1997 and to quash the same.

It is the case of the petitioner that he is the owner of Plot No.6 admeasuring 557.48 Sq. meters situated in Bhagyanagar Cooperative Housing Society Limited, Kukatpally. It is stated that the petitioner has constructed a commercial complex (Cellar+Ground+3 floors) in the said plot after obtaining permission from HUDA. It is stated that he has not violated any of the terms and conditions of the sanctioned plan, but the respondent-Municipality simultaneously issued a show cause notice under Section 228(2) of Andhra Pradesh Municipalities Act, 1965 and under Section 42(1) and 43(1) of the A.P. Urban Areas (Dev.) Act, 1975 giving three days time to show cause as to why the Provisional Order issued under Section 228 (1) of A.P. Municipalities Act, 1965, directing the petitioner to remove and to stop the unauthorized constructions, should not be confirmed

Counter has been filed by the respondent stating that the Municipality accorded permission vide No.G1/2454/96, dated 19.09.1996 for construction of Commercial Complex as per the technical approval accorded by the Vice Chairman, HUDA vide Lr.No.1292/P4/H/97, dated 05.08.1996. The petitioner made constructions deviating the sanctioned plan and deviated the front rear and side set backs without obtaining any prior approval for change in the sanctioned plan issued by the Municipality. It is stated that as per the sanction set backs, front set back is six meters, but the petitioner has maintained 1.5 meters only violating 4.5 meters. For the rear side, two meters set back shall be there, but no set back was maintained. Similarly, side set backs towards East and West sides also the petitioner has to maintain three meters each, but he has not maintained any set back and constructed in the set back area. It is stated that though the show cause notice was issued, the petitioner without submitting any explanation with regard to not maintaining the set backs, approached this Court by filing this writ petition, therefore, the petitioner is not entitled to any relief.

Having regard to the facts and circumstances of the case and a perusal of the

record, I do not see any merit in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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28.03.2006

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